IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 16632 of 2004

Between:

M.A. Siddiq S/o. M.A. Mannan
R/o. H.No. 12-2-717/A/15, Saptagiri Nagar, Reti Bowli Ring road,
Mehidipatnam, Hyderabad.

... PETITIONER

AND

Regional Passport Authority, Passport Office, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in refusing the application of the Petitioner for amending the date of birth & Name in Passport bearing NO.A-4749738 of the Petitioner as illegal, arbitrary unreasonable and consequently direct the Respondent to amend the date of birth & Name of the Petitioner as per the Secondary School Certificate.

Counsel for the Petitioner: MR.A.RAVINDER REDDY

Counsel for the Respondent: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following:

ORDER

Heard the learned counsel for the petitioner as well as the counsel appearing on behalf of the Passport Officer.

2. Petitioner who obtained a Passport bearing No.A-4749738 from the respondent, issued on 03-01-1998 valid till 04-01-2008, filed the present Writ Petition complaining that his actual date of birth as per the Secondary School Certificate is 15-10-1980, but by mistake it was recorded as 01-12-1981. When the petitioner approached the respondent authorities with an application to correct the date of birth, the same was refused.

3. However pursuant to the judgment of the High Court judicature of Bombay in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-04-2001,which reads as under:

a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (passport issuing authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

c. Where the initial entry has been made on the basis of a supportive document by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in

conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

4. In view of the same, the respondent-Passport Officer is hereby directed to consider the application filed by the petitioner for correction of his date of birth and dispose of the same in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

_____

A. **GOPAL REDDY, J**

September 16, 2004

N.B. *Furnish copy in three days*

(B/o)

MRR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To:

1. Regional Passport Authority, Passport Office, Hyderabad.
2. Two C.D. Copies.